

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOMMY M. MARTINEZ,

Defendant.

Case No. 98-cr-40088-002-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on consideration of defendant Tommy M. Martinez's *pro se* motion for an extension of time to supplement his motion for a reduction of his criminal sentence pursuant to 18 U.S.C. § 3582(c)(2) to show that his relevant conduct was not 9.23 kilograms of crack cocaine (Doc. 487).

As a preliminary matter, the Court has already denied Martinez's motion for a sentence reduction (Doc. 485), so any request to supplement the motion at this point would be moot.

More importantly, supplemental information regarding Martinez's relevant conduct would not be helpful because it has already been determined that the proper amount was 9.23 kilograms of crack cocaine. The Honorable G. Patrick Murphy made this finding when he adopted the presentence investigation report and its relevant conduct finding of 9.23 kilograms of crack cocaine. The finding is conclusive at this point in the case and cannot be reopened in connection with a motion for a sentence reduction under 18 U.S.C. § 3582(c)(2). *See United States v. Irons*, 712 F.3d 1185, 1190 (7th Cir. 2013) (finding the court's adoption of a presentence investigation report's relevant conduct amount was not subject to re-argument in sentence reduction proceedings where defendant requested an inconsistent finding).

For these reasons, the Court **DENIES** Martinez's motion for an extension of time to supplement his motion for a sentence reduction (Doc. 487).

IT IS SO ORDERED.

DATED: February 18, 2016

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE